

DOCKET FILE COPY ORIGINAL

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 03-55
Table of Allotments,	)	RM-10653
FM Broadcast Stations.	)	
(Estelline, Texas)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: June 18, 2003**

**Released: June 20, 2003**

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice")<sup>1</sup>, issued at the request of Katherine Pyeatt ("Petitioner"), proposing the allotment of Channel 263C3 to Estelline, Texas, as that community's first local aural transmission service. Petitioner filed comments reiterating an intention to apply for Channel 263C3 if allotted to Estelline, as requested. No counterproposals or additional comments were received in response to this proceeding.

2. We find that Estelline (population 168) is a community for allotment purposes. This requirement is usually satisfied if a community is either incorporated or listed in the U.S. Census.<sup>2</sup> Although the population of Estelline is small, it nevertheless qualifies as a community since it is listed in the U.S. Census and it is incorporated.<sup>3</sup> Estelline has its own mayor, post office, city hall and a number of local churches.

3. In view of the interest expressed in providing a first local aural transmission service to Estelline, Texas, we will allot Channel 263C3 to that community, as requested. As stated in the *Notice*, Channel 263C3 can be allotted to Estelline, in compliance with the Commission's minimum distance separation requirements, provided there is a site restriction of 13.7 kilometers (8.5 miles) southwest of the community.<sup>4</sup>

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective **August 4, 2003**, the FM Table of Allotments,

<sup>1</sup> See *Estelline, Texas*, 18 FCC Rcd 4448 (MB 2003).

<sup>2</sup> See, e.g., *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 101 (1982); and *Cleveland and Ebenezer, MS*, 10 FCC Rcd 8807, 8808 (M.M. Bur. 1995).

<sup>3</sup> See, e.g., *Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcasting Assignments (Semora, North Carolina)*, 5 FCC Rcd 934 (1990) (community of 150 persons qualified as a community even though it was not listed in the U.S. Census or incorporated).

<sup>4</sup> The reference coordinates for Channel 263C3 at Estelline are 34-28-41 NL and 100-33-42 WL.

Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Estelline, Texas	263C3

5. The window period for filing applications for Channel 263C3 at Estelline, Texas will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau